

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

UNITED STATES OF AMERICA, ex rel.
ROSA H. BROWN,

Plaintiff,

v.

ST. JOSEPH'S/CANDLER HEALTH
SYSTEM, INC.; and CHRISTOPHER J.
BUSKEN, M.D.,

Defendants.

CIVIL ACTION NO.: 4:18-cv-72

ORDER

The United States of America (“the Government”), by and through *qui tam* originating relator Rosa H. Brown (“the Relator”), initiated this False Claims Act case on April 3, 2018. (Doc. 3.) On November 29, 2018, the Court administratively closed the case without prejudice to the right of any party with standing to reopen it. (Doc. 11, pp. 1–2.) On June 8, 2021, the Government filed a document entitled “Motion to Administratively Re-Open, Notice of Election to Decline Intervention, and Motion for a Partial Lift of the Seal,” (hereinafter the “Government’s Motion”). (Doc. 14.) Therein, the Government notified the Court of its decision not to intervene in the action, and it requested, *inter alia*, that the Court reopen the case and that the seal be lifted with respect to the Complaint, (doc. 3), the Government’s Motion, (doc. 14), any order granting the Government’s Motion, and any filings occurring in the future.¹ (*Id.* at p. 3.) The Government’s Motion also

¹ The Government requested that the Court maintain the seal on its “requests for extensions of time to intervene and the status update previously provided by the Government because such requests detail the Government’s processes for investigating the allegations made in Relator’s Complaint.” (Doc. 14, p. 3.)

states that “if the Relator elects to voluntarily dismiss this action, the Government consents to such dismissal without prejudice to the rights and interests of the Government.” (Id. at pp. 2–3.)

The day after the Government’s Motion was filed, the Relator filed a “Notice of Voluntary Dismissal Without Prejudice.” (Doc. 15.) While the filing was not signed by counsel for the Government, it states that “[t]he Government consents to the filing of this Dismissal.”² (Id.)

In a June 23, 2021, telephonic hearing with counsel for the Government and counsel for the Relator, the Court orally granted in part the Government’s Motion. Specifically, the Court granted the requests that the case be reopened and that the specified documents be unsealed but, based on oral requests made by the Government, denied the remaining requests in the Motion and accompanying proposed order. Additionally, during the hearing, the Government provided reasons for consenting to the dismissal (without prejudice) of the action, and the Court accepted and adopted those reasons.

Accordingly, the Court:

- **DIRECTS** the Clerk of Court to **REOPEN** this action;
- **GRANTS IN PART** and **DENIES IN PART** the Government’s Motion, (doc. 14), and, as a result, **ORDERS** that the Complaint, (doc. 3), the Government’s Motion, (doc. 14), and the Relator’s Notice of Voluntary Dismissal Without Prejudice, (doc. 15), be **UNSEALED**;
- **DIRECTS** that this Order not be filed under seal;

² Additionally, no objection or other response to the Notice of Voluntary Dismissal has been filed by the Government.

- **DISMISSES** without prejudice all claims against all Defendants, pursuant to the Relator's Notice of Voluntary Dismissal, (doc. 15), and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i); and
- **DIRECTS** the Clerk of Court to **CLOSE** this case.

SO ORDERED, this 23rd day of June, 2021.



R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA